

UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:13-cv-02391-DSF-MAN

National Coalition for Men et al v. Selective Service System et al
Assigned to: Judge Dale S. Fischer
Referred to: Magistrate Judge Margaret A. Nagle
Case in other court: 9th CCA, 13-56690
Cause: 28:1343 Violation of Civil Rights

Date Filed: 04/04/2013
Date Terminated: 11/09/2016
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

National Coalition for Men

represented by **Marc E Angelucci**
Law Office of Marc E Angleucci
11734 Wilshire Boulevard Suite C903
Los Angeles, CA 90025
626-319-3081
Fax: 626-236-4127
Email: marc.angelucci@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

James Lesmeister
*Individually and on behalf of others similarly
situated*

represented by **Marc E Angelucci**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Selective Service System

represented by **Bryan R Diederich**
US Department of Justice
20 Massachusetts Avenue NW Room 7330
Washington, DC 20001
202-305-0198
Fax: 202-616-8470
Email: bryan.diederich@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lynn Y Lee
US Department of Justice
Civil Division
20 Massachusetts Avenue NW
Washington, DC 20004
202-305-0531
Fax: 202-616-8470
Email: lynn.lee@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant**Lawrence G Romo***as Director of Selective Service System*represented by **Bryan R Diederich**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Lynn Y Lee

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant**Does***1 through 10 Inclusive*

Date Filed	#	Docket Text
04/04/2013	<u>1</u>	COMPLAINT against Defendants Does 1 through 10 Inclusive, Lawrence G Romo, Selective Service System. Case assigned to Judge Dale S. Fischer for all further proceedings. Discovery referred to Magistrate Judge Margaret A. Nagle. (Filing fee \$ 350 PAID.) Jury Demanded., filed by Plaintiffs National Coalition for Men, James Lesmeister. (et) (mg). (Entered: 04/04/2013)
04/04/2013	<u>1</u>	21 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendants Lawrence G Romo, Selective Service System. (et) (Entered: 04/04/2013)
04/04/2013	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiffs James Lesmeister, National Coalition for Men. (et) (mg). (Entered: 04/04/2013)
04/04/2013	<u>3</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (et) (Entered: 04/04/2013)
04/05/2013	<u>4</u>	STANDING ORDER for Cases Assigned to Judge Dale S. Fischer (See document for specific details) by Judge Dale S. Fischer. (ir) (Entered: 04/05/2013)
05/15/2013	<u>5</u>	PROOF OF SERVICE Executed by Plaintiff National Coalition for Men, James Lesmeister, upon Defendant Lawrence G Romo served on 4/17/2013, answer due 6/16/2013; Selective Service System served on 4/17/2013, answer due 6/16/2013. Service of the Summons and Complaint were executed upon the United States Attorneys Office by delivering a copy to Ely Sams. Executed upon the Attorney Generals Office of the United States by delivering a copy to Theresa Wood. Executed upon the officer agency or corporation by delivering a copy to U.S. Attorney General. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt NOT attached. Original Summons NOT returned. <i>Marc Angelucci</i> (Angelucci, Marc) (Entered: 05/15/2013)
06/17/2013	<u>6</u>	NOTICE of Appearance filed by attorney Bryan R Diederich on behalf of Defendants Lawrence G Romo, Selective Service System (Diederich, Bryan) (Entered: 06/17/2013)
06/17/2013	<u>7</u>	** DOCUMENT STRICKEN ** NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendant Lawrence G Romo, Selective Service System. Motion set for hearing on 7/29/2013 at 01:30 PM before Judge Dale S. Fischer. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Exhibit A-D, # <u>3</u> Proposed Order)(Diederich, Bryan) Modified on 6/18/2013 (dp). (Entered: 06/17/2013)

06/17/2013	<u>8</u>	REQUEST FOR JUDICIAL NOTICE re MOTION to Dismiss Case <u>7</u> filed by Defendant Lawrence G Romo, Selective Service System. (Attachments: # <u>1</u> Exhibit A–C)(Diederich, Bryan) (Entered: 06/17/2013)
06/17/2013	<u>9</u>	NOTICE OF LODGING filed <i>Table of Contents and Authorities</i> re MOTION to Dismiss Case <u>7</u> (Attachments: # <u>1</u> Tables of Content & Authorities)(Diederich, Bryan) (Entered: 06/17/2013)
06/18/2013	<u>10</u>	TEXT ONLY ENTRY: (IN CHAMBERS) ORDER STRIKING DOCUMENT: Document No. 7 filed on 6/17/13 is stricken for failure to comply with Local Rule 11–3.8 which requires that the title page includes the date and time of the hearing. Counsel also failed to provide where the hearing will be conducted. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(dp) TEXT ONLY ENTRY (Entered: 06/18/2013)
06/19/2013	<u>11</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendant Lawrence G Romo, Selective Service System. Motion set for hearing on 7/29/2013 at 01:30 PM before Judge Dale S. Fischer. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Exhibit A–C, # <u>3</u> Proposed Order)(Diederich, Bryan) (Entered: 06/19/2013)
06/19/2013	<u>12</u>	REQUEST FOR JUDICIAL NOTICE re MOTION to Dismiss Case <u>11</u> filed by Defendant Lawrence G Romo, Selective Service System. (Attachments: # <u>1</u> Exhibit A–C)(Diederich, Bryan) (Entered: 06/19/2013)
07/08/2013	<u>13</u>	** DOCUMENT STRICKEN ** Opposition to Motion to Dismiss Plaintiffs' Opposition re: MOTION to Dismiss Case <u>11</u> filed by Plaintiffs James Lesmeister, National Coalition for Men. (Angelucci, Marc) Modified on 7/10/2013 (dp). (Entered: 07/08/2013)
07/09/2013	<u>14</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Objection/Opposition (Motion related) <u>13</u> . The following error(s) was found: Other error(s) with document(s) are specified below. Other error(s) with document(s): The document was uploaded sideways. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (bp) (Entered: 07/09/2013)
07/10/2013	<u>15</u>	TEXT ONLY ENTRY: (IN CHAMBERS) ORDER STRIKING DOCUMENT: Document No. filed on 7–8–13is stricken as the document is uploaded sideways. Counsel to refile properly. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(dp) (Entered: 07/10/2013)
07/10/2013	<u>16</u>	OPPOSITION OPPOSITION re: MOTION to Dismiss Case <u>11</u> filed by Plaintiffs James Lesmeister, National Coalition for Men. (Angelucci, Marc) (Entered: 07/10/2013)
07/15/2013	<u>17</u>	REPLY IN SUPPORT OF MOTION to Dismiss Case <u>11</u> filed by Defendants Lawrence G Romo, Selective Service System. (Diederich, Bryan) (Entered: 07/15/2013)
07/15/2013	<u>18</u>	TEXT ONLY ENTRY: (IN CHAMBERS) NOTICE: Judge Dale S. Fischer is participating in a pilot program regarding the submission of sealed documents. Effective July 8, 2013, all proposed documents related to under seal filings must be submitted via e–mail to the Judge's Chambers e–mail at DSF_Chambers@cad.uscourts.gov. Please refer to the judge's pilot program procedures for detailed instructions for submission of sealed documents. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(dp) TEXT ONLY ENTRY (Entered: 07/15/2013)
07/22/2013	<u>19</u>	NOTICE of Appearance filed by attorney Lynn Y Lee on behalf of Defendants Lawrence G Romo, Selective Service System (Lee, Lynn) (Entered: 07/22/2013)
07/29/2013	<u>20</u>	MINUTES (IN CHAMBERS): ORDER by Judge Dale S. Fischer: granting <u>11</u> Motion to Dismiss Case. (rne) (Entered: 07/29/2013)

07/29/2013	<u>21</u>	MINUTES OF Motion Hearing held before Judge Dale S. Fischer. See Minute Order for specifics. Court Reporter: Pamela Batalo. (dp) (Entered: 07/30/2013)
07/29/2013	<u>22</u>	JUDGMENT by Judge Dale S. Fischer, IT IS ORDERED AND ADJUDGED that Plaintiff take nothing, that the action be dismissed, and that Defendants recover their costs of suit pursuant to a bill of costs filed in accordance with 28 U.S.C. § 1920. (MD JS-6, Case Terminated). (shb) (Entered: 07/30/2013)
09/26/2013	<u>23</u>	NOTICE OF APPEAL to the 9th CCA filed by plaintiff James Lesmeister, National Coalition for Men. Appeal of Judgment <u>22</u> . Filed On: 07/29/2013; Entered On: 07/30/2013; Filing fee \$455 paid receipt number LA079642. (Attachments: # <u>1</u> Appeal fee paid in the amount of \$455.00.) (dmap) (Entered: 09/27/2013)
09/27/2013	<u>24</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 13-56690, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals, <u>23</u> as to Plaintiffs James Lesmeister, National Coalition for Men. (car) (Entered: 09/30/2013)
03/07/2014	<u>25</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>23</u> filed by James Lesmeister, National Coalition for Men CCA # 13-56690. Appellant's motion for an extension of time to file the Transcript Designation Order Form and second request for an extension of time to file the opening brief is granted. Within 21 days after the date of this order, appellants shall file the transcript designation. The transcript is due April 28, 2014. The opening brief is due June 27, 2014. The answering brief is due July 28, 2014 The optional reply brief is due within 14 days after service of the answering brief. Counsel is requested to seek a single extension of time adequate to permit preparation of the brief, rather than file multiple extension requests. See Advisory Note to 9th Cir. R. 31-2.2. Appellants shall serve a copy of this order on the court reporter at the district court. Order received in this district on 3/7/2014. (dmap) (Entered: 03/10/2014)
03/22/2014	<u>26</u>	DESIGNATION of Record on Appeal by Plaintiffs James Lesmeister, National Coalition for Men re <u>23</u> (Angelucci, Marc) (Entered: 03/22/2014)
02/19/2016	<u>27</u>	MEMORANDUM from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>23</u> filed by James Lesmeister, National Coalition for Men. CCA # 13-56690. REVERSED and REMANDED. (mat) (Entered: 02/22/2016)
03/15/2016	<u>28</u>	MANDATE of Ninth Circuit Court of Appeals filed re: Notice of Appeal <u>23</u> CCA # 13-56690. The judgment of the 9th Circuit Court, entered February 19, 2016, takes effect this date. This constitutes the formal mandate of the 9th CCA issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. [See USCA Memorandum <u>27</u> We(9th CCA) remand for the district court to consider the questions of standing other than the one we have addressed, and, if it has jurisdiction, the merits of the case.(mat) (Entered: 03/16/2016)
03/15/2016	<u>29</u>	ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>23</u> filed by James Lesmeister, National Coalition for Men. CCA # 13-56690. The mandate issued on March 15, 2016 is recalled as issued in error. The case is a federal case but was not initially docketed as such and the mandate deadline was set according to civil case standards. Mandate deadline has been reset according to federal case standards. (mat) (Entered: 03/16/2016)
04/14/2016	<u>30</u>	MANDATE of Ninth Circuit Court of Appeals filed re: Notice of Appeal <u>23</u> CCA # 13-56690. The judgment of the 9th Circuit Court, entered February 19, 2016, takes effect this date. This constitutes the formal mandate of the 9th CCA issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. [See USCA Memorandum <u>27</u> We remand for the district court to consider the questions of standing other than the one we have addressed, and, if it has jurisdiction, the merits of the case.REVERSED and REMANDED.] (mat) (Entered: 04/14/2016)
05/19/2016	<u>31</u>	MINUTE ORDER IN CHAMBERS Order re Response Pleading or Motion by Judge Dale S. Fischer: This case has been remanded by the Court of Appeals. Defendant's response to the

complaint is due June 13, 2016. (bp) (Entered: 05/20/2016)

05/27/2016	<u>32</u>	First STIPULATION for Extension of Time to File Answer to 08/05/16 filed by defendants Lawrence G Romo, Selective Service System. (Attachments: # <u>1</u> Proposed Order)(Lee, Lynn) (Entered: 05/27/2016)
05/31/2016	<u>33</u>	ORDER EXTENDING TIME FOR DEFENDANTS' RESPONSE TO COMPLAINT, granting Stipulation to Extend Time to Answer (More than 30 days) <u>32</u> . Having reviewed and approved the parties' stipulation to extend the time for defendants to respond to plaintiffs' Complaint, the Court hereby ORDERS that the deadline for defendants response to the Complaint be extended to August 5, 2016. (bp) (Entered: 05/31/2016)
08/05/2016	<u>34</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by defendants Lawrence G Romo, Selective Service System. Motion set for hearing on 10/24/2016 at 01:30 PM before Judge Dale S. Fischer. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Exhibit 1, # <u>3</u> Proposed Order) (Lee, Lynn) (Entered: 08/05/2016)
08/05/2016	<u>35</u>	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION to Dismiss Case <u>34</u> filed by Defendants Lawrence G Romo, Selective Service System. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Lee, Lynn) (Entered: 08/05/2016)
08/05/2016	<u>36</u>	Joint STIPULATION to Reschedule Briefing Schedule for Defendants' Motion to Dismiss filed by defendants Lawrence G Romo, Selective Service System. (Attachments: # <u>1</u> Proposed Order)(Lee, Lynn) (Entered: 08/05/2016)
08/08/2016	<u>37</u>	ORDER SETTING BRIEFING SCHEDULE FOR DEFENDANTS' MOTION TO DISMISS by Judge Dale S. Fischer, re Stipulation to Reschedule <u>36</u> . The Court hereby ORDERS as follows: Plaintiffs will file their opposition to defendants' motion to dismiss by no later than September 26, 2016; Defendants will file their reply by no later than October 7, 2016. (bp) (Entered: 08/08/2016)
09/23/2016	<u>38</u>	** DOCUMENT STRICKEN ** OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss Case <u>34</u> filed by Plaintiffs James Lesmeister, National Coalition for Men. (Angelucci, Marc) Modified on 9/23/2016 (dp). (Entered: 09/23/2016)
09/23/2016	<u>39</u>	TEXT ONLY ENTRY: (IN CHAMBERS) ORDER STRIKING DOCUMENT: Document No. 38 filed on 9/23/16 is stricken for failure to comply with L.R. 5-4.3.1 – which requires that the PDF image for a document filed with the Court must be created by using word processing software and published to PDF. PDF images created by scanning paper documents are prohibitedTHERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dp) TEXT ONLY ENTRY (Entered: 09/23/2016)
09/25/2016	<u>40</u>	OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss Case <u>34</u> filed by Plaintiffs James Lesmeister, National Coalition for Men. (Angelucci, Marc) (Entered: 09/25/2016)
10/07/2016	<u>41</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Dismiss Case <u>34</u> filed by Defendants Lawrence G Romo, Selective Service System. (Lee, Lynn) (Entered: 10/07/2016)
10/19/2016	<u>42</u>	MINUTE ORDER IN CHAMBERS Order to Show Cause re Sanctions Pursuant to Rule 11; Order Removing the Motion to Dismiss from the Court's Calendar by Judge Dale S. Fischer: (SEE MEMORANDUM FOR SPECIFICS) (bp) (Entered: 10/20/2016)
10/21/2016	<u>43</u>	Dismissal of Counts II & III filed by Plaintiffs James Lesmeister, National Coalition for Men (Angelucci, Marc) (Entered: 10/21/2016)
11/09/2016	<u>44</u>	MINUTE ORDER IN CHAMBERS Order GRANTING IN PART and DENYING IN PART Defendants' Motion to Dismiss and TRANSFERRING the Action to the Southern District of Texas (Dkt. 34) by Judge Dale S. Fischer: The Court dismisses NCM without prejudice and transfers the action to the Southern District of Texas (MD JS-6. Case Terminated.)(SEE MEMORANDUM

		FOR SPECIFICS) (bp) (Entered: 11/14/2016)
11/14/2016	<u>45</u>	Transfer Out Transmittal Letter sent to USDC Southern District of Texas at Houston. (bp) (Entered: 11/14/2016)